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SUBJECT: DURBAN REVIEW CONFERENCE: AMBASSADOR RICE'S PHONE  
CALL WITH UNHCHR PILLAY

Classified By: Ambassador Susan E. Rice for reasons 1.4(b) and (d).

¶1. (C) Summary: UN High Commissioner for Human Rights Pillay told Ambassador Rice Feb. 9 that Iran and Syria inserted anti-Israeli language in the draft outcome document of the Durban Review Conference, but the rest of the OIC (including Egypt and Palestine) wants to "knock it out" and the African and Latin American-Caribbean groups want it out as well. She said she is "very hopeful" it can be deleted, and also "fairly confident" Pakistan can be persuaded to back down on its insistence that the document include language on defamation of religions. As for language on reparations for slavery, this is "not an issue at all," said Pillay. Ambassador Rice said the United States has made no decision on whether to engage in the drafting process, but she was grateful for the High Commissioner's letter of Feb. 4 and wanted to hear her assessment of prospects for progress. Pillay urged strongly that the United States engage early in the negotiating process and asked that we "consider very seriously" any U.S. decision to boycott the review conference, as Denmark, the Netherlands and the UK are considering pulling out if the United States does so. "Much hinges on your decision," said Pillay. End summary.

¶2. (U) Pillay had written to Ambassador Rice Feb. 4 "in hope of beginning a dialogue with you" about the Durban Review Conference. In her letter she praised the 2001 Durban Declaration and Program of Action (DDPA), which she said largely "transcended divisive and intolerant approaches" of the kind that took place in the NGO conference on the "periphery" of the 2001 conference. She wrote that she hoped the USG would play a leading role in the review conference and that, "I have every confidence that we can find consensus." (Note: UN Secretary-General Ban wrote to President Obama Jan. 30 inviting him to participate in the high-level segment of the review conference. On Feb. 9 Ban stressed to Ambassador Rice the importance of U.S. participation in the drafting process and echoed Pillay's optimistic assessment.)

¶3. (C) High Commissioner Pillay and Ambassador Rice spoke by telephone Feb. 9 to follow up on the letter. Saying the new Administration had made no decision yet about participating in the review conference, the Ambassador said the United States has three main concerns about the draft outcome document: the anti-Israeli language, which seemed to have gone from bad to worse as the drafting process continued; the language on blasphemy and its implications for freedom of speech; and the language on reparations for slavery.

¶4. (C) Pillay noted the importance of the United States participating in the Feb. 16-19 informal consultations on the draft outcome document. The meeting will occur, she said, at the ambassadorial level. Saying she was speaking in confidence, Pillay attributed the anti-Israeli language in the draft to Iran and Syria. But it is still bracketed, she said, and the rest of the OIC countries have agreed to "knock it out." The outcome in this regard is "looking very hopeful," said Pillay. Egypt and the Palestinian

representative had committed to her that very day to help get the language deleted and Mexico's Ambassador Alba (the first chairman of the Human Rights Council) had told her the GRULAC had met the same morning, Feb. 9, and agreed to help. The Africans "don't want any of it," said Pillay.

¶15. (C) The draft language on defamation of religions, said Pillay, comes from Pakistan. It is not in the DDPA. Referring to a seminar her office held last October on freedom of expression, Pillay said she had urged Pakistan to use the International Covenant on Civil and Political Rights to address the issue of defamation. "I will put this in my document, which we're preparing," she told the Ambassador, explaining that the preparatory committee had asked for a document on how her office is implementing the DDPA. (She said she would send Ambassador Rice a copy.) "I am talking to Pakistan and they're happy with this paragraph in my document," said Pillay, and "I am fairly confident" this will resolve the problem in the draft outcome document of the review conference. She does not believe that Pakistan would prevail if this language were to come to a vote. As for the draft language on reparations, Pillay dismissed it as "not an issue at all," as no one is pressing for it.

¶16. (C) "It is too soon for me to come up with a text," said Pillay (meaning an alternative to the draft outcome document), though she indicated a willingness to do so later, if necessary. The Ambassador asked Pillay for her reaction to the idea of a postponement of the review conference. Pillay responded negatively, saying the conference is important to Africa, and to Latin America and the Caribbean. There is no appetite for delay, she said, and she herself would strongly oppose a delay. "Things are fairly under

control" she reiterated, and "if it comes to the worst" the language the U.S. objects to could be put to a vote, which she believes we would win. (Comment: we are far less confident that the West would prevail in any vote.)

¶17. (C) Ambassador Rice stressed that if the United States were to decide to engage, it would be necessary for the U.S. to have some early proof of real progress to enable it to continue. Pillay said she would get back to the Ambassador "well before Feb. 16," when the next informal negotiations on the outcome document are scheduled to begin. Pillay was encouraged by Mexican Ambassador Alba's personal interest in chairing the review conference. Finally, she appealed to the Ambassador for the United States to "consider very seriously" any decision not to participate, as a number of countries, including Denmark, the Netherlands and the UK were considering pulling out if the United States did so. "Much hinges on your decision," said Pillay.  
Rice